

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>MICHAEL DUNCAN,</b>	:	<b>Civil No. 1:18-cv-1143</b>
	:	
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>WARDEN USP-ALLENWOOD,</b>	:	
	:	
<b>Respondent.</b>	:	<b>Judge Sylvia H. Rambo</b>

**ORDER**

Before the court is a report and recommendation of the magistrate judge (Doc. 12) in which he recommends that Michael Duncan’s Petition for a Writ of Habeas Corpus (Doc. 1) be denied as unexhausted and meritless. Objections to the report and recommendation were due on March 26, 2019, but no such objections have been filed.

In considering whether to adopt the Report and Recommendation, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (explaining that judges should review dispositive legal issues raised by the report for clear error). Following an independent review of the record, the court is satisfied that the report and recommendation contains no clear error, and will therefore adopt the

recommendation to deny the petition both as unexhausted and meritless.

Accordingly, **IT IS HEREBY ORDERED** as follows:

1. The Report and Recommendation (Doc. 12) is **ADOPTED**.
2. The Petition for Writ of Habeas Corpus (Doc. 1) is **DENIED**.
3. The Clerk of Court shall **CLOSE** this case.
4. A certificate of appealability shall not issue as any appeal taken from this order is deemed both frivolous and not in good faith.

s/Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge

Dated: March 29, 2019